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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JEROME SMITH, :
Plaintiff :
 :
v. : Civil No. 1:CV-01-1192
 :
FEDERAL BUREAU OF PRISONS, et al. : (Judge Rambo)
Defendants : (Magistrate Judge Smyser)

FILED
JAN 31 2002
CLERK OF COURT
MIDDLE DISTRICT OF PENNSYLVANIA
HARRISBURG, PA
17108-1754
[Signature]

EXHIBIT TO BRIEF IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS

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Dated: January 31, 2002

INDEX

Declaration of S. Albert-Blosser Exh.1

Bureau of Prisons' SENTRY Report, Administrative
Remedy Generalized Retrieval Att.1

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JEROME SMITH,	:	
Plaintiff	:	
	:	
v.	:	Civil No. 1:CV-01-1192
	:	
	:	
FEDERAL BUREAU OF PRISONS,	:	
et al.	:	
Defendant	:	

DECLARATION OF S. ALBERT-BLOSSER

I, S. Albert-Blosser, do declare and state as follows:

1. I am a Paralegal Specialist at the United States Department of Justice, Federal Bureau of Prisons (BOP), and I am assigned to the Consolidated Legal Center, Allenwood, Pennsylvania. I have been employed with the BOP since September 1997. I have worked as a Paralegal Specialist since April 2001. As a result of my position, I have access to Bureau of Prisons' files, including computer files maintained in the ordinary course of business on inmates incarcerated at FCC-Allenwood.
2. I have reviewed the Bivens complaint filed by the Plaintiff, inmate Jerome Smith, Federal Register Number 19145-018, in which he alleges that the defendants breached their duty of care by failing to ensure that he received "medical treatments for his serious medical needs" following a 1998

fall in UNICOR. He also alleges that the Defendants violated his rights by transferring him to the segregation unit.

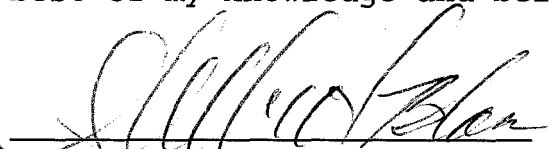
3. The Bureau of Prisons has established an administrative remedy procedure through which an inmate can seek formal review of any complaint regarding any aspect of his imprisonment, if less formal procedures do not resolve the matter, pursuant to 28 C.F.R. §542.13.
4. In order to exhaust appeals under the Administrative Remedy Procedure for inmates, an inmate must first raise his complaint to his unit team through an Informal Resolution Attempt. If the concern is not informally resolved, the inmate may file an appeal to the Warden of the institution where he is confined. He may then further appeal an adverse decision to the Regional Director and then to the Central Office of the Federal Bureau of Prisons. See 28 C.F.R. § 542, et seq. No administrative remedy appeal is considered to have been finally exhausted until it has been denied by the Bureau of Prisons' Central Office.
5. In the ordinary course of business, computerized indexes of all formal administrative process filed by inmates are maintained by the Institution, Regional, and Central Offices

so that rapid verification may be made as to whether an inmate has exhausted the administrative remedy process on a particular issue. Informal resolution attempts are not retained by a computerized index.

6. On January 11, 2002, I conducted a search of the records to determine whether or not the Plaintiff had exhausted the administrative remedy process regarding the issues he raised in his complaint. This review has revealed that the Plaintiff has not exhausted available administrative remedies for all of the issues that he has raised in his complaint. I have attached the Plaintiff's Sentry transaction sheet showing administrative remedies as Attachment 1 to this Declaration.
7. Specifically, the Plaintiff has filed a total of five (5) administrative remedy requests, none of which are related to the issues raised in his complaint, as the administrative remedy requests were filed prior to the time period complained of. The Plaintiff has not filed any administrative remedy requests since 1996. Therefore, any administrative remedy requests he has filed could not relate to a fall which occurred in 1998 and the subsequent medical care.

8. In addition, the Plaintiff has not exhausted the administrative remedy process regarding any issue at any time during his period of incarceration.
9. The Plaintiff filed five (5) administrative remedy requests in 1996, concerning medical care. However, the administrative remedy request he mailed to the Central Office was rejected for failure to file his request or appeal on the proper form. At that time, the Plaintiff was given notice that he had 15 days to resubmit his request on the proper form. Records show that the Plaintiff did not resubmit his request to the Central Office. Therefore, he has not exhausted the Administrative Remedy Process regarding that issue.
10. In sum, the Plaintiff has failed to exhaust available administrative remedies regarding the issues he raises in his complaint.

I certify that the documents attached to this declaration are true and correct copies of documents kept in the ordinary course of business by the Federal Bureau of Prisons. I further declare under penalty of perjury in accordance with the provisions of 28 U.S.C. § 1746 that the above is accurate to the best of my knowledge and belief.



S. Albert-Blosser
Paralegal Specialist
FCC-Allenwood

1/11/02
Date

Smith v. Federal Bureau of Prisons, et al.

1:CV-01-1192

Albert-Blosser Declaration

ATTACHMENT #1

ALFLJ *ADMINISTRATIVE REMEDY GENERALIZED RETRIEVAL * 01-11-2002
PAGE 002 OF 002 * SINGLE LINE FORMAT * 16:02:40

REMEDY-ID	LAST NAME	REGISTER NUMBER	SUBJ1	SUBJ2	ORIG FACL	DATE RCV	STATUS	STATUS DATE
104400-F1	SMITH	19145-018	26AM		BUT	02-28-1996	CLG	03-12-1996
104400-R1	SMITH	19145-018	26AM		BUT	04-12-1996	REJ	04-16-1996
104400-R2	SMITH	19145-018	26AM		BUT	05-03-1996	REJ	05-06-1996
104400-R3	SMITH	19145-018	26AM		BUT	05-23-1996	CLD	06-11-1996
104400-A1	SMITH	19145-018	26AM		BUT	07-12-1996	REJ	07-12-1996

G0000 5 REMEDY SUBMISSION(S) SELECTED
TRANSACTION SUCCESSFULLY COMPLETED

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

JEROME SMITH,	:	
Plaintiff	:	
	:	
v.	:	Civil No. 1:CV-01-1192
	:	
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CERTIFICATE OF SERVICE BY MAIL

The undersigned hereby certifies that she is an employee in the Office of the United States Attorney for the Middle District of Pennsylvania and is a person of such age and discretion as to be competent to serve papers.

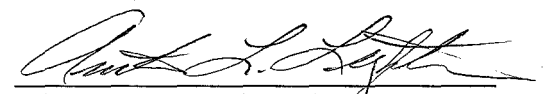
That on January 31, 2002, she served a copy of the attached

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by placing said copy in a postpaid envelope addressed to the person hereinafter named, at the place and address stated below, which is the last known address, and by depositing said envelope and contents in the United States Mail at Harrisburg, Pennsylvania.

Addressee:

Jerome Smith
Reg. No. 19145-018
FPC Allenwood
P.O. Box 1000
Montgomery, PA 17752


ANITA L. LIGHTNER
Paralegal Specialist